

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PAMELA WALKER

Plaintiff,

v.

Case No. 14-cv-0584 KK/SMV

**FT. WINGATE HIGH SCHOOL,
MICHELLE QUIMAYOUSIE, and
CHERYL QUIMAYOUSIE,**

Defendants.¹

SECOND ORDER TO SHOW CAUSE

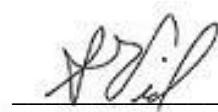
THIS MATTER is before the Court sua sponte. Plaintiff filed her initial Complaint against Defendants Ft. Wingate High School and Michelle Quimayousie, now terminated as a party, on June 24, 2014. [Doc. 1] at 1. Pursuant to Fed. R. Civ. P. 4(m), Plaintiff had 120 days from filing the Complaint, or through October 22, 2014, within which to effect service of process. Plaintiff failed to effect service in that time, and the Court ordered Plaintiff to show cause why her claims should not be dismissed for failure to comply with the service provision of Rule 4(m). *See* [Doc. 4]. The Court subsequently quashed the order to show cause and ordered Plaintiff to effect service on Defendant Ft. Wingate High School by December 19, 2014. [Doc. 7]. There is still no indication on the record that Defendant Ft. Wingate High School has been served.²

¹ Plaintiff's Amended Complaint [Doc. 9], filed December 18, 2014, adds Cheryl Quimayousie as a defendant and notes that Defendant Cheryl Quimayousie was misidentified as Michelle Quimayousie in the initial Complaint. *See* [Doc. 9] at 1. Accordingly, Michelle Quimayousie has been terminated as a party.

² Although Plaintiff amended her complaint on December 18, 2014, the 120-day time period runs from the filing of the initial complaint. *See Constien v. United States*, 628 F.3d 1207, 1216 (10th Cir. 2010). “[L]ater amendments to

IT IS THEREFORE ORDERED that Plaintiff either effect service on Defendant Ft. Wingate High School or otherwise show good cause why her claims against Defendant Ft. Wingate High School should not be dismissed without prejudice for failure to comply with the service provision of Rule 4(m). Plaintiff shall either effect service or file a response to this order by **January 30, 2015**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge

the complaint do not change the time limit except for newly added parties.” *Id.* Defendant Ft. Wingate High School was named in both the original and amended complaints and, therefore, is not a newly added party.